

## Texas to choose delegates to national presidential nominating conventions

Every four years, the state's political parties determine procedures for allocating among U.S. presidential candidates the delegates Texas will send to national party nominating conventions. With the Texas primary elections postponed twice this year because of challenges to congressional and legislative redistricting plans, the political parties have had to reconcile their procedures with a shifting electoral schedule.

The three-judge federal court panel in San Antonio with jurisdiction over drawing remedial district boundaries initially postponed the March 6 primary elections until April 3. Continuing legal challenges ultimately caused the panel to set the primary for Tuesday, May 29.

The Democrats and the Republicans both had scheduled their state party conventions for June 7-9 to choose delegates to the national conventions. Because of

the later primary date, the court panel suspended certain sections of the Texas Election Code and allowed the parties to revise their procedures for selecting delegates to the state conventions.

While some parts of the delegate-selection process remain unchanged, other parts will be different this year to accommodate the abbreviated election schedule and changes in national party rules. Among the major changes in the delegate-selection process:

- neither party will hold precinct conventions, although the Republicans will allow county parties to hold them if they choose;
- the Republicans will allocate delegates pledged to presidential candidates based on the proportion of the primary vote received by each candidate, eliminating the former "winner-take-

### Timeline for 2012 delegate selection process

	Democrats	Republicans
Precinct conventions	None	On varying dates in those counties that choose to hold them
County/senatorial district conventions	April 21	April 14 or 21, by county option
Presidential primary	May 29, nonbinding	May 29, delegates allocated to candidates proportionately based on primary vote
State convention	June 7-9 in Houston	June 7-9 in Fort Worth
National convention	September 3-6 in Charlotte, North Carolina	August 27-30 in Tampa, Florida

all” process in which a candidate winning more than 50 percent of the primary vote received all of the delegates;

- Texas Republican delegates will be bound to vote for the presidential candidates to whom they are pledged only on the first ballot at the national convention, rather than through the second or third ballot, as under previous rules; and
- Democrats will not allocate delegates to presidential candidates based on the presidential primary vote and instead will use only the candidate “sign-in” preferences by delegates to the county/senatorial district and state conventions.

Texas does not require voters to specify a party affiliation when registering to vote. Voting in a party primary makes a person ineligible to vote in the runoff of another party. In previous election years, only someone who voted in a party’s primary was eligible to attend the party’s precinct convention as a voting delegate and be elected a delegate to any subsequent county/senatorial district, state, or national party convention. Precinct conventions usually were held on primary night, with the county/senatorial district conventions held on the third Saturday after the primary.

This year, because of the compressed time schedule due to the delayed primary election, the Democrats and the Republicans cancelled their precinct conventions, except in certain counties where the county Republican party chooses to hold them. With the primary on May 29, after the county/senatorial district conventions in April and only days before the state conventions on June 7-9, the parties needed a different way to determine who would be eligible to participate in the conventions as delegates. Under a process sanctioned by the San Antonio federal court panel, both parties will require convention delegates to swear an oath of affiliation with the party. A written record of those swearing this oath will be supplied to the county elections officer. Anyone who takes such an oath will be noted on the list of registered voters and ineligible to vote in another party’s primary or runoff election.

## How Republicans will select delegates

The Republican National Convention will be held August 27-30 in Tampa, Florida. Pledged delegates from Texas will be apportioned among the presidential candidates based on the Tuesday, May 29 presidential primary results.

Texas delegates to the national convention will be selected at the state party convention June 7-9 in Fort Worth. Delegates to the state convention will be chosen at county/senatorial district conventions. In previous elections, people who voted in the Republican primary were eligible to attend conventions in their voting precincts to elect delegates to county/senatorial district conventions. This year, the Republicans will forego precinct conventions, except in a few counties that choose to hold them. Instead, anyone may attend county/district conventions as a delegate (except in counties selecting delegates at precinct conventions) and must swear an oath of affiliation with the Republican party. Republicans will hold county/senatorial district conventions on either April 14 or April 21, as each county party chooses. Counties wholly within a state Senate district hold county conventions, while counties divided into two or more senatorial districts hold separate district conventions, although often some or all are held in the same location.

**Number of national convention delegates.** Texas will send 155 delegates to the Republican National Convention. Each of the 36 congressional districts has three pledged delegates, for a total of 108, and 44 pledged delegates will be chosen at large. In addition, three delegates – the two Texas members of the Republican National Committee and the state party chair – automatically are unpledged delegates due to their party positions. As unpledged delegates, they may vote for any candidate they wish. One alternate will be chosen for each of the 152 pledged delegates.

**Apportioning pledged delegates.** Allocation among the presidential candidates of all of the pledged delegates from Texas to the national convention will be directly proportional to the presidential primary vote. The Republicans will have an “uncommitted” option on the presidential primary ballot. If a candidate withdraws

or dies, uncommitted delegates and alternates will be chosen instead of the candidate's pledged delegates.

Texas Republicans also have had to accommodate changes in national party rules for delegate selection. In recent presidential election years, Texas Republicans had used a modified "winner-take-all" system that awarded all of the at-large or congressional district delegates to a candidate who received more than 50 percent of the primary vote statewide or in a congressional district. That provision was repealed due to a Republican National Committee rule change that penalized states that use a winner-take-all method if they scheduled their primary before April 1. Such states will lose one-half of their allotted delegates. Because the Texas primary originally was scheduled for March 6, the Texas Republican Party altered its procedures to avoid the penalty. When the primary election was postponed until May 29, the state party opted to retain the procedure allocating delegates proportionately based on the primary vote. A 20 percent vote threshold to receive delegates under previous rules also was eliminated.

#### **Selecting national convention delegates.**

Individual delegates to the Republican National Convention will be selected at the June 7-9 state convention.

At the state convention, delegates from each congressional district will caucus and choose three national convention delegates and three alternates from the district. Election is by majority vote, with each delegate and alternate elected one at a time. The state convention must confirm the entire delegation elected from the congressional districts as a slate.

Each congressional district caucus also will elect one person to serve on the National Nominations Committee, which will select at-large delegates and alternates. The state party chair will appoint an additional member to the nominations committee to serve as chair. The congressional caucuses each may recommend one person to be an at-large delegate or alternate, although the committee is not bound by the recommendations. The committee will submit the at-large delegates to the Republican state convention for ratification, and only the entire delegation, not individual delegates, may be approved. If the

state convention rejects the at-large delegation, the nominations committee must submit another slate until the convention approves it.

Republican Party rules prohibit abridging participation in any caucus, meeting, or convention to select delegates on the basis of sex, age, race, religion, color, or national origin. Unlike the Democrats, the Republican Party does not require equal numbers of men and women delegates and has no affirmative-action goals for minority representation.

#### **Binding delegates at the national convention.**

Presidential candidates have no direct say in the selection of the individual delegates pledged to vote for them at the Republican national convention. However, delegates assenting to their nomination must pledge to vote for the candidate to whom they are assigned. The National Nominations Committee will assign each of the 152 pledged delegates and alternates to represent a candidate or "uncommitted" in direct proportion to the presidential primary vote.

On the first ballot at the national convention, when delegates vote to choose the Republican presidential nominee, the Texas delegate votes for each candidate based on the primary results will be announced, with no polling of the delegation except for those delegates who are uncommitted, including the three unpledged party officials. On the first ballot, Texas delegates and alternates may be released from their pledge to vote for a candidate only upon the candidate's death, formal withdrawal, or agreement.

If no candidate is nominated on the first ballot by receiving majority support of the national convention delegates, then a second ballot and possibly additional ballots will be held. On any second or subsequent ballots, Texas delegates will be released from their pledges and, like uncommitted delegates and unpledged party officials, may vote as they wish.

Under previous Texas Republican party rules, delegates could be released from their pledge on a second ballot only by agreement of the candidate. Pledged delegates could be released on a third ballot if their candidate failed to receive at least 20 percent of the total votes cast on the second ballot or if their candidate

agreed to release them. Delegates were released unconditionally beginning with the fourth ballot.

## How Democrats will select delegates

The Democratic National Convention will take place September 3-6 in Charlotte, North Carolina. For 2012 only, Texas Democrats will abandon their unique hybrid “Texas two-step” primary/caucus process by eliminating the use of the presidential primary vote for allocating national convention delegates among presidential candidates. National convention delegates chosen from the 31 state senatorial districts will be allocated to presidential candidates based on a presidential preference poll of delegates to the April 21 county/senatorial district conventions. National convention delegates chosen at large will be allocated based on a preference poll of the state convention

delegates. Individual delegates to the national convention will be chosen at the state party convention June 7-9 in Houston.

Although Election Code, sec. 191.007 requires that at least 75 percent of pledged delegates be apportioned among presidential candidates based on the primary vote, the three-judge federal court panel in San Antonio considering challenges to the redistricting plans suspended that provision for the 2012 elections. The State Democratic Party Executive Committee revised its rules so that the presidential primary vote will be non-binding and will not determine delegate allocation for 2012.

**Selecting state convention delegates.** The county/district conventions on Saturday, April 21, will elect delegates to the state convention, where the national convention delegates will be chosen. District

### Summary of 2012 presidential delegate selection procedures

	Democrats	Republicans
<b>Candidate filing</b>	\$2,500 or 5,000-signature petition	\$5,000 or 300-signature petition from at least 15 congressional districts
<b>Delegate apportionment by primary vote</b>	None – nonbinding primary vote	153 apportioned proportionately based on primary vote; no threshold percentage to receive delegates
<b>Delegate apportionment by convention poll</b>	172 by senatorial district conventions poll, 31 pledged officials and party leaders and 57 at large by state convention poll; 15 percent threshold to receive delegates	None
<b>Unpledged ex officio delegates</b>	28	3
<b>National convention delegate selection</b>	Delegate filing; limited candidate veto  172 delegates selected by candidates’ pledged delegates from each senatorial district at the state convention; 31 pledged officials and party leaders and 57 at-large delegates selected by nominations committee	No delegate filing; no candidate veto  108 delegates selected by delegates from each congressional district at the state convention; 44 at-large delegates selected by nominations committee
<b>Delegate pledge</b>	Not formally bound	Bound for first ballot only

conventions are held in counties with more than one state senatorial district, although some or all of the district conventions within a county may meet together at a single location. This year, the Democrats will not hold precinct conventions to elect delegates to the county/district conventions. Any registered voter willing to take an oath of party affiliation may participate as a delegate to a county/district convention.

At county/district conventions, delegates will caucus by precinct or grouping of precincts to elect delegates to the state convention. Each precinct may elect one delegate for every 300 votes cast in the precinct for Bill White for governor in 2010. Precincts that cast less than 300 votes for White will be grouped with other precincts to elect state convention delegates.

A presidential candidate preference poll of county/district convention delegates will be used to allocate among candidates for president the county/district's at-large delegates to the state convention. A candidate must exceed a 15 percent threshold to receive delegates. This preference poll also will be used at the state convention to allocate the national convention delegates chosen by senatorial district.

The convention nominations committee will select the at-large delegates from the county or district to the state convention. Taking into account the presidential preferences of the delegates elected by the precincts, the nominations committee must use the selection of at-large delegates to balance the state convention delegation to reflect each candidate's proportional share of the county/district convention preference poll as well as gender equality and affirmative action goals.

**Number of national convention delegates.** Under national Democratic Party rules, Texas has 288 national convention delegates and 22 alternates. The delegates fall into several categories and include 260 pledged and 28 unpledged delegates. All pledged national convention delegates will be chosen at the state party convention.

**Pledged delegates.** The 260 pledged delegates include 172 who will be apportioned among the presidential candidates based on the candidate preferences of the delegates to the April 21 county/senatorial district conventions for each of the 31 state

Senate districts. Other pledged delegates – including 57 at-large delegates and 31 party leaders and elected officials – will be apportioned among presidential candidates based on the candidate preferences of the state convention delegates.

Votes in the candidate preference poll at the county/senatorial district conventions and at the state convention cast for someone who has not filed as a candidate will not be counted. A preference-poll vote for “uncommitted” will be counted, but an “uncommitted” option will not appear on the primary ballot.

#### ***County/senatorial convention preference poll.***

Of the 260 total pledged delegates to the national convention, 172 will be apportioned to the presidential candidates based on the presidential preference “sign-in” poll of delegates to the April 21 county/senatorial district conventions. The delegates were allocated among the 31 districts using a formula that takes into account each district's vote for Democratic nominee Barack Obama in the 2008 presidential election and for Democratic nominee Bill White in the 2010 gubernatorial election. The 172 slots are allocated as follows:

Two:	District 31
Three:	District 28
Four each:	Districts 6, 24, 30
Five each:	Districts 1, 2, 3, 4, 7, 8, 9, 12, 18, 20, 22, 27, 29
Six each:	Districts 5, 10, 11, 16, 19, 21, 25, 26
Seven each:	District 15, 17
Nine each:	District 13, 23
Ten:	District 14

For each senatorial district, national convention delegates will be apportioned among the presidential candidates who received at least 15 percent of the aggregate presidential preference sign-in vote at the April 21 county/senatorial district conventions for the whole counties or portions of counties that make up the senatorial district.

For example, for District 14, which includes part of Travis County and all of Bastrop County, the presidential preferences of the delegates to the April 21 Travis County convention who reside in District 14 will be added to the preferences of the delegates to



the Bastrop County convention. The preference votes from both counties will determine how the ten delegates from District 14 will be allocated among presidential candidates receiving at least 15 percent of the overall District 14 preference poll vote.

**State convention preference poll.** Of the 260 pledged Texas delegates, 31 must be party leaders and elected officials (PLEOs) and 57 are “at-large” delegates. At the state Democratic convention in June, delegates will be polled to determine the apportionment of the 31 “pledged PLEOs” and the 57 pledged at-large delegates.

A presidential candidate must receive at least 15 percent of the state convention delegate preference vote to receive any at-large or pledged PLEO delegates. The 31 pledged PLEO delegates will be selected from among party leaders and elected officials in a specified priority order.

**Unpledged delegates.** Of the 288 total Democratic delegates, 28 are party leaders and elected officials who are not pledged to a particular candidate. These “unpledged PLEOs” or “superdelegates” are delegates automatically due to their current or former offices: the members of the Democratic National Committee from Texas, the Democratic members of Congress from Texas, former U.S. House Speaker Jim Wright, and former Democratic National Committee Chairman Robert Strauss. All of these delegates are formally “unpledged” and may endorse and vote for any candidate.

**Selecting national convention delegates.** Individual delegates to the Democratic National Convention will be selected at the state party convention. Those desiring to be national convention delegates must file their candidacy with the chair of the state Democratic Party in Austin between April 16 and May 15. They must pledge their support for a presidential candidate or declare themselves uncommitted. By May 22, the state Democratic Party will deliver to each presidential candidate a list of national convention delegate candidates pledging their support to that candidate. Each presidential candidate must file with the state party a list of approved delegate

candidates. The list must include at least three times the number of senatorial district delegates and alternates to which the candidate is entitled by the county/district preference poll vote, equally divided between men and women. Failure to respond by the June 7 deadline will mean that all filed delegate candidates pledged to the candidate will be presumed approved.

State convention delegates who “sign in” for a presidential candidate by voting for that candidate in the state convention preference poll will caucus by their senatorial district and choose, from the approved list of national convention delegate candidates, the delegates to which their presidential candidate is entitled, based on poll results from the April 21 county/senatorial district conventions held within the district. Candidates must have received at least 15 percent of the district preference vote to be allocated delegates. A total of 172 delegates will be chosen by district based on the county/senatorial district preference polls.

After the 28 unpledged PLEO “superdelegates” have been certified, 31 pledged PLEO delegates will be apportioned to the presidential candidates based on the state convention preference poll, with a 15 percent threshold for a candidate to receive delegates. Candidates may disapprove delegate candidates in the same manner as for other pledged delegates, except that they must approve at least twice as many declared PLEO delegate candidates as there are PLEO delegate slots to be filled. Prospective PLEO delegates may file their candidacy at the Democratic state convention if they did not file by the May 15 deadline. These delegates are selected by the state convention nominations committee, which is made up of 31 members chosen by each of the senatorial district caucuses and three members chosen by the state convention chair.

Chosen last will be the 57 pledged at-large delegates and 22 alternates. They will be apportioned among the candidates based on the state convention preference poll, with a 15 percent threshold for a candidate to receive delegates. The nominations committee will choose these delegates from among potential delegates pledged to each presidential candidate. Presidential candidates must approve at least twice as many potential at-large delegates as there are at-large delegate slots to be filled.

If a presidential candidate withdraws before selection of at-large delegates, delegates will be allocated proportionately among the remaining candidates.

The Texas national convention delegation must be divided equally between men and women. At-large delegates and alternates are chosen last to allow the nominating committee to balance the number of men and women and achieve affirmative-action goals for minority representation. Based on the state's population and participation in primary and general elections, the Texas Democratic Party has set goals of 90 Hispanic delegates, 84 African-American delegates, 62 youth (age 18-35 years) delegates, 37 disabled delegates, 20 lesbian, gay, bisexual, or transgender (LGBT) delegates, 15 Asian-American delegates, and one Native American delegate.

#### **Binding delegates at national convention.**

Delegates to the Democratic National Convention are not bound to vote for the candidate to whom they are pledged. The only requirement is that pledged delegates "shall in all good conscience reflect the sentiments of those who elected them." In effect, it is up to each presidential candidate to determine that the prospective delegates the candidate approves will likely stick with that candidate at the national convention.

## **Delegate selection by other parties**

Under Election Code, ch. 181, a political party may have its nominees placed on the ballot if any of its nominees for statewide office received at least 5 percent of the vote in the previous general election. For 2012, the Libertarian Party and the Green Party have qualified for the ballot because in the 2010 general election at least one of their candidates for statewide office exceeded the 5 percent vote threshold. Since neither the Libertarian nor the Green candidate for governor received more than 20 percent of the vote, those parties were not required to hold a primary election and will select their candidates at local and state party conventions.

The Libertarian National Convention will be held May 2-6 in Las Vegas, Nevada. Because the state convention will be held on Saturday, June 9, after the national convention, under party rules the state party

executive committee will select the delegates from Texas to the party's national convention.

The Green Party National Convention will be held July 12-15 in Baltimore, Maryland. Under party rules, the state party convention called to nominate candidates for statewide offices will select delegates and alternates to the national convention. The Green Party of Texas state convention is scheduled for June 9-10, tentatively in San Antonio. Delegates are expected to vote at the national convention based on their best assessment of the will of the delegates to the state convention. State convention delegates were elected at the county conventions on March 17, with county convention delegates elected at precinct conventions on March 13.

To qualify their candidates, including those for president and vice president, for the November 6, 2012, general election ballot, other parties must meet certain other conditions, including registering with the secretary of state by January 2. For 2012, the Americans Elect Party, Christian Party of Texas, Constitution Party, Generation Party, Justice Party, Make America Great Party, Reform Party, Revive America Party, Socialist Party of Texas, and Texas Independent Party have filed for access to the ballot, according to the Secretary of State's Office.

The parties must meet other requirements under chapters 161 and 181 of the Election Code, including establishing a state party executive committee and timely filing party rules. They must submit a list of those participating in their party's precinct conventions and a list of registered voters who signed a petition for the party to be listed on the ballot. Registered voters signing the petition cannot have voted in a primary election or have participated in another party's convention. The combined number of precinct-convention participants and valid petition signers must equal at least 1 percent of all votes cast for all candidates for governor in the last general election. According to the Secretary of State's Office, 49,799 names are required for 2012.

Under the federal court order, parties could begin circulating petitions on March 1. The deadline to submit names to qualify for the 2012 general election ballot is June 29. The Election Code does not specify the procedure for selecting national convention delegates for these parties.

## Independent and write-in candidates

Under Election Code, ch. 192, subch. B, an independent candidate for president may qualify for the ballot by submitting a petition to the secretary of state with the valid signatures of registered voters equaling at least 1 percent of all votes cast in Texas for all candidates for president in the last election. According to the Secretary of State's Office, 80,778 signatures are required for 2012. Those signing cannot have voted in the 2012 Democratic or Republican primaries.

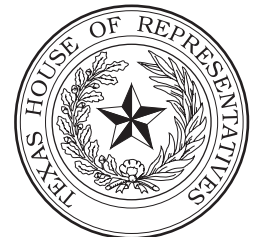
Under the federal court order, independent candidates could begin circulating ballot-access petitions on March 1 and must submit them to the secretary of state by June 29. Unlike independent candidates for other offices, independent candidates for president did not have to file a declaration of intent for their candidacy by the March 9 filing deadline. Independent candidates must submit the names and addresses of 38 presidential electors – who would serve if the independent candidate carried the state – with statements from the electors that they consent to serve and a statement from the vice-presidential candidate consenting to be a candidate.

Under Election Code, ch. 192, write-in candidates for president must file their candidacy with the secretary of state between July 21 and August 20 in order for votes for the candidate to be counted. They also must file the names and addresses of 38 electors and statements from the electors that they consent to serve and a statement from the vice-presidential candidate consenting to be a candidate.

Under Election Code, sec. 162.015, the so-called “sore loser” law, anyone whose name appeared on a primary ballot or who voted in a party primary is ineligible for a place on the general election ballot as an independent for an office for which a candidate was nominated in the primary. That person also may not be the nominee of another party for any office. A candidate for an office in a primary election also is ineligible as a general election write-in candidate for the same office. Under Election Code, sec. 192.032(h), a candidate in a presidential primary election specifically is ineligible to be an independent candidate for president or vice-president in the same election year.

— by Tom Whatley

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